

Case No.: 2:21-cv-05234-SDM-KAJ

Judge Sarah D. Morrison

Magistrate Judge Kimberly A. Jolson

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and classifications for delivery drivers.

9. From 2018 on, Foley was paid \$8.50 to \$8.55 hourly for his duties in store and as a delivery driver over his employment.

10. While working at the Grandview store, Foley was classified as a tipped employee for his duties as a delivery driver.

11. Nathan Robertson and Brittany Adkins were previously employed by Wildcat.

12. Wildcat has no record of any employee named Montana Monsiour.

13. From 2018 on, Nathan Robertson was paid \$8.50 to \$8.90 hourly for his duties in store and as a delivery driver during his employment.

14. From 2018 on, Brittany Adkins was paid \$8.55 to \$9.50 hourly for her duties in store and as a delivery driver during her employment.

15. To calculate delivery driver's approximate automobile expenses, Wildcat utilizes the Mileage Scout software, offered by Intellicasting, LLC.

16. Each delivery driver provides information about the make, model, year, trim package, mileage, and condition of their vehicle.

17. The delivery driver's manager then enters the employee's vehicle information into the system for calculation.

18. The delivery driver is then reimbursed for mileage at an individualized rate determined by the software taking into account the vehicle's age, condition, gas usage gas prices, and maintenance costs.

19. Employees are instructed to update this information if their vehicle changes.

20. Foley was reimbursed between \$0.36–\$0.39 per mile based on the information he provided about his vehicle.

21. Other Wildcat delivery drivers are reimbursed at different rates, depending on their vehicles.

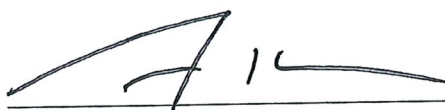
22. Nathan Robertson and Brittany Adkins were not reimbursed the same rate as Foley.

23. Nathan Robertson and Brittany Adkins drove different vehicles than Foley and were reimbursed at different rates based on their individual vehicle and its age, condition, gas usage, gas prices, and maintenance costs.

24. Wildcat has reimbursed delivery drivers at individualized rates, up to \$1.00 depending on the specifics of their individual vehicles.

25. I declare that the foregoing is true and accurate under the penalties of perjury.

Further Affiant Sayeth Naught.



Gregg Majewski

Sworn to before me and subscribed in my presence this 30 day of June, 2023.



NOTARY PUBLIC

